

MAR 19 2001

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX,
if applicable:
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ADDRESS TO: Box CPA Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket No.	SYP-116
	First Named Inventor	Fuchs
	Examiner Name	Marschel, A.
	Group Art Unit	1631

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 08/726,093,
filed on 10/04/96, entitled Methods and Kits for Hybridization Analysis Using Peptide Nucleic Acid Probes.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is (1) a utility or plant application that was filed under 35 U.S.C. 111(a) before May 29, 2000, and is complete as defined by § 1.51(b); (2) a design application that is complete as defined by § 1.51(b); or (3) a national stage of an international application that was filed under 35 U.S.C. 363 before May 29, 2000, and is in compliance with 35 U.S.C. 371. A notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered.

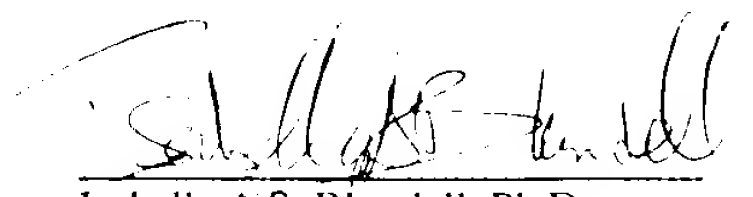
- ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- ☐ This application is filed by fewer than all the inventors named in the prior application 37 CFR 1.53(d)(4).
 - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application: _____
 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent is enclosed.
- ☐ Information Disclosure Statement (IDS) is enclosed:
 - ☐ PTO-1449
 - ☐ Copies of IDS Citations

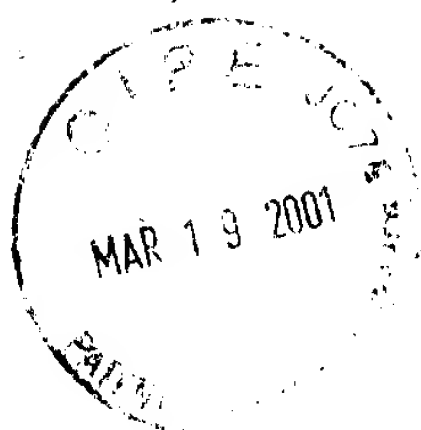
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03 FC:103

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	(1) CLAIMS	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	59 - 20 =	39	x \$ 18 =	\$ 702
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	5 - 3 =	2	x \$ 80 =	\$ 160
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 270 =	\$ 0
				BASIC FEE (37 CFR 1.16(a))	\$ 710
				Total of above Calculations =	\$ 1,572
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$ 0
				TOTAL =	\$ 1,572

6. ☐ Small entity status:
- a. ☐ Applicant claims small entity status.
- b. ☐ was established in the prior application and is still proper and desired.
- c. ☐ is no longer claimed.
7. ☒ A check in the amount of \$1,682 is enclosed.
8. ☒ The Commissioner is hereby authorized to credit overpayments or charge any additional fees required under 37 C.F.R. 1.16 and 1.17 to Deposit Account No. 20-0531.
9. ☒ A copy of the Petition and Fee for Extension of Time for one months up to and including March 21, 2001 which was filed for the immediately prior application is enclosed herewith.
10. a. ☐ Receipt for Facsimile Transmittal CPA (PTO/SB/29A).
- b. ☒ Return Receipt Postcard.
11. ☐ NO FEE IS ENCLOSED AND ANY AUTHORIZATION TO CHARGE THE DEPOSIT ACCOUNT IS EXPRESSLY REVOKED.

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	Respectfully submitted.  Isabelle A.S. Blundell, Ph.D. Attorney for Applicant(s) Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Date: March 19, 2001 Reg. No. 43,321 Tel. No.: (617) 248-7634 Fax No.: (617) 248-7100



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PATENT

Attorney Docket No. SYP-116

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Fuchs et al.
SERIAL NO.: 08/726,093 GROUP NO.: 1631
FILING DATE: Oct. 4, 1996 EXAMINER: Marschel, A
TITLE: Methods and Kits for Hybridization Analysis Using Peptide
Nucleic Acid Probes

BOX CPA

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

This paper is submitted in connection with the filing of a Continued Prosecution Application and in response to an Office Action mailed from the Patent and Trademark Office on November 21, 2000, for the above-referenced application. A petition for a one-month extension of time is enclosed herewith with the required fee to extend the period for response to March 21 2001 in the pending prior application referenced above. Claims 54, 57-62, and 64-71 were pending in the prior application. Claim 54 was allowed and claim 66 was objected to as being allowable if rewritten in independent form. All the remaining claims were rejected. Claims 62, 65, 67, and 69 are amended and new claims 72 to 115 are added herewith. Claims 54, 57-62, and 64-115 are presented for reconsideration.

Amendment to the claims:

Please amend claims 62, 65, 67, and 69 and add new claims 72 to 115 as follows:
(A set of selected amended claims is set in Appendix A (marked up) and a complete set of pending claims is set in Appendix B (clean)).

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